IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23409 of 2004

Between:

1 Datla Venkatapathy Raju, S/o.Venkata perumalla Raju,
R/o.Lakshminarasapuram Village, Biccavolu Mandal, East Godavari District.
2 Datla Narendra Varma, S/o.Venkatapathy Raju,
R/o.Lakshminarasapuram Village, Biccavolu Mandal, East Godavari District.

... PETITIONERS

AND

1 Circle Inspector of Police, Anaparthy police station, East Godavari District.
2 Sub-Inspector of Police, Biccavolu, East Godavari District.
3 Datla Venkatapathy Raju, S/o.Venkatapati Raju,
Lakshminarasapuram Village, Biccavolu Mandal, East Gdoavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 & 2 in interfering with the civil dispute in O.S.NO.767 of 2003 on the file of the Prl.Junior Civil Judges court, Ramachandrapuram, East Godavari District as illegal, Arbitrary and violative of fundamental rights guaranteed under Constitution of India, and consequently direct the respondents not to interfere with the possession of the petitioner in s.No.238/6 in an extent of Act 6-05 cents of Kapavaram village, Biccavolu Mandal, East Godavari District.

Counsel for the Petitioners: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents 1 & 2: GP FOR HOME

The Court made the following order:

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ORDER:

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Petitioners question the action of the respondents in interfering with the peaceful possession and enjoyment of his land in an extent of Ac.6-05 cents in S.No.238/6 situated at Kapavaram village, Biccavolu Mandal, East Godavari District.

Counter has been filed by the Sub-Inspector of Police, Biccavolu Police Station, East Godavari District, stating that the averments made in the writ petition are baseless and the police have not at all interfered with the peaceful possession and enjoyment of the petitioner's land.

It is submitted that the third respondent filed a suit O.S.No.767 of 2003 against the petitioner, which is pending on the file of the Principal Junior Civil Judge, Ramachandrapuram for adjudication. As the dispute is purely of civil nature the respondents 1 and 2 never interfered with the peaceful possession and enjoyment of the land in the plaint schedule property and the allegations made against the official respondents are baseless and false.

In view of the said counter by the respondents 1 and 2 no further orders need be passed in the writ petition and the writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

April 26, 2005

Dsk

To

1 Circle Inspector of Police, Anaparthy police station, East Godavari District.
2 Sub-Inspector of Police, Biccavolu, East Godavari District.

3 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.